

CONFLICT PREVENTION AND RESOLUTION SERVICES CONTRACT

CONTRACT # 68HERH19D0033

TASK ORDER # 68HERH19F0413 (TO012)

TECHNICAL DIRECTIVE # TD015

TITLE: **Evaluation** - Florida 404 Assumption Request: Preliminary Facilitation Services

DATE: 7/13/2020

TO: **Laura Bachle**, AICP, ERG Task Order Manager

FROM: **Jake Strickler**, TOCOR

CC: Terry Fenton, Alternate TOCOR, CL-COR

Terry Simpson, CL-COR

Erin Ridder, CO

Kelly Laycock, TD015 Technical Lead

Rosemary Calli, TD015 Technical Lead

Mike Long

RE: Authorization to Access ERG Facilitation Support Services

In accordance with the above-referenced Task Order, Eastern Research Group (ERG) is authorized to initiate ADR-related activities with respect to the project known as '**Florida 404 Assumption Request: Preliminary Facilitation Services**'. ERG is authorized to spend up to the total funding ceiling noted below on these activities and be reimbursed for direct expenses. The nature of this project is described below.

Project Budget

Total funding ceiling: **\$ 5,000.00**

Estimated ERG Program Management Hours: Ex. 4 CBI

Estimated Service Provider Hours (facilitator/mediator/recorder, etc.): Ex. 4 CBI

Travel and Other Direct Costs: No travel or other direct costs.

Program Background

The Clean Water Act (CWA) established the Section 404 permit program, under which the U.S. Army Corps of Engineers (Corps) may issue permits for the discharge of dredged or fill material into "waters of the United States" as identified in the CWA. Section 404(g)(1) of the CWA provides states and tribes the option of submitting to the United States Environmental Protection Agency (EPA) a request to assume administration of the Clean Water Act Section 404 permit program in certain waters within state or tribal jurisdiction. The Governor of the State of Florida has submitted a complete request for State program approval and proposes to operate the State permit program for regulated discharges of dredged or fill material into waters within the jurisdiction of the State in accordance with the CWA.

The following is a brief description of EPA's procedure for program approval: (1) Once the State submits an assumption package that is complete, a maximum 120-day statutory review period commences; (2) EPA will provide copies of a complete assumption package within 10 days of receipt to the Corps, the National Marine Fisheries Service (NMFS), and the United States Fish and Wildlife Service (USFWS) for review and comment. Within 90 days of EPA's receipt of a complete

program submission, the Corps, FWS, and NMFS shall submit to EPA any comments on the State program; (3) EPA will publish notice of the State's application in the Federal Register and in enough of the State's largest newspapers to attract statewide attention; (4) EPA will provide for a public comment period of not less than 45 days; (5) EPA will provide for a public hearing not less than 30 days after such notice is published in the Federal Register; (6) EPA will also mail notice of the State's application to interested parties, and provide notice of an opportunity to consult to federally recognized Indian Tribes in the State; (7) approve or disapprove the program transfer within 120 days of receipt of the complete program submission

Administrator Priorities

- | | |
|---|--|
| <input type="checkbox"/> Reduce number of non-attainment areas | <input type="checkbox"/> Increase amount of non-EPA resources leveraged by projects receiving EPA infrastructure investments |
| <input type="checkbox"/> Increase water infrastructure project compliance | <input checked="" type="checkbox"/> Accelerate permitting-related decisions |
| <input type="checkbox"/> Ready Superfund and/or Brownfields sites for anticipated use | <input type="checkbox"/> Climate adaptation |
| <input type="checkbox"/> Complete TSCA risk evaluations | <input type="checkbox"/> Environmental Justice |
| <input type="checkbox"/> Complete TSCA risk management actions | <input type="checkbox"/> Interagency Dispute/Discussion |
| <input type="checkbox"/> Complete timely TSCA pre-manufacture notice final determinations | <input checked="" type="checkbox"/> Tribal Issues |
| | <input checked="" type="checkbox"/> Other: State and Tribal Support |

Project Period of Performance

Start date: 7/13/2020

End date: 10/31/2021

Project Description - participate in two, 2-hour phone call with EPA, read background information, evaluate 'Florida Assumption Request' technical project options assessment process and provide verbal comments

Work Products:

None

Main Project: Florida 404 Assumption Request Public Hearing Facilitation

This initial work will inform the larger project described below:

Upon receipt of a complete assumption request package, EPA will publish notice of the State's application in the Federal Register and in enough of the State's largest newspapers to attract statewide attention. EPA will provide for a public comment period of not less than 45 days. EPA will provide for a public hearing not less than 30 days after such notice is published in the Federal Register. EPA will also mail notice of the State's application to interested parties and provide notice of an opportunity to consult to federally recognized Indian Tribes in the State.

The purpose of this Technical Direction is to request support for planning, organizing and facilitating public hearings. Needs may include locating a low or no cost venue, support in agenda development, meeting materials development, copying for participants and distribution, registration support, supporting travel for up to 8 state or tribal participants, meeting location preparation, facilitation of the meeting which will guide members to revise mission statement and strategic framework, and taking, collecting, and finalizing meeting notes.

Qualifications of Provider

The Contractor shall select a service provider for this project in consultation with the Task Order Contracting Officer Representative (TOCOR), and technical leads. The service provider shall have the following qualifications:

- Knowledge of, and experience with Clean Water Act Section 404, including specifically the Section 404(b)(1) Guidelines, the permitting process, and USACE and EPA roles in program implementation.
- Experience gathering input from stakeholders, and excellent facilitating skills.
- Experience with state, tribal and federal technical and policy specialists.
- Ability to translate regulatory and technical wetland science language into materials that can be understood by multiple types of stakeholders including wetland program managers, decision makers and federal agency staff.
- Knowledge of conflict resolution techniques and experience as a mediator resolving complex environmental and water policy issues.

EPA Contacts:

The TOCOR on this contract is the contact for official technical direction. The Technical Directive Leads is NOT authorized to issue technical direction to the Contractor or service provider – he/she is a contact person only to clarify information, background, insight, and coordination on the topic or project. ONLY the TOCOR can issue technical direction. Only the Contracting Officer can change the terms or costs of this Task Order.

Technical Directive Technical Lead

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Technical Directive Project Lead/Technical Lead

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CL-COR(s):

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Task Order Contracting Officer Representative (TOCOR):

Jake Strickler
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Anticipated Tasks Needed for this Project

- ☒ Consultation with EPA staff to identify appropriate opportunities for community outreach, community engagement, conflict prevention and resolution support;
- ☒ Identification of service provider;
- ☐ Conducting a situation, dispute or conflict assessment;
- ☐ Convening appropriate parties;
- ☐ Facilitation of sessions or meetings;
- ☐ Mediation of sessions or meetings;
- ☐ Design of impasse breaking processes or interventions;
- ☐ Contact with parties during process, before and after meetings;
- ☐ Recording or summarizing meetings or project progress or next steps;
- ☐ Logistical support (meeting rooms, equipment, invitations, registration, etc.);
- ☐ Development of fact sheets, outreach or presentation materials, case studies, analyses;
- ☐ Coaching/capacity building of parties in conflict management, meeting management, dispute resolution or consensus building skills;
- ☒ Providing necessary technical or analytic support, analyses, summaries, review;
- ☐ Providing communications assistance or support (communication strategies, web support, media support);
- ☐ Training in negotiation, conflict resolution, meeting management, public engagement, project specific procedures;
- ☐ Drafting of agreements, recommendations or reports; or
- ☐ Other:

Supplemental Information

CPRC Staff Lead: Jake Strickler
Primary Type of Services Requested: Facilitation
Secondary Type of Services Requested: Technical/Logistical
Agreement Seeking: No
Primary Subject Matter Area: Clean Water Act 404 Wetlands
Secondary Subject Matter Area: Not Applicable
Public Engagement Goal: Stakeholder Action
Forum: Not Applicable
Policy Context: Implementation/Monitoring/Agreements